

From: Morgan Philpot <jmorganphilpot@gmail.com>
Sent: Tuesday, September 3, 2019 12:04 PM
To: David Angeli
Subject: Re: Finicum v. United States of America, Case No. 2:18-CV-00160-SU

We accept the 14 day extension. I will file a notice with the Court.

Morgan Philpot
Attorney at Law, Utah
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On Tue, Sep 3, 2019 at 12:12 PM David Angeli <david@angelilaw.com> wrote:

Mr. Philpot,

Like most lawyers in this district, I routinely agree to extensions of time when opposing counsel requests them, and I expect that same courtesy. Typically, family vacations and the like are reason enough in my mind for such requests, although I usually don't even ask opposing counsel to give me a reason—I simply agree to the request. This case is different. You filed your complaint against Special Agent Astarita *twenty months* ago and (unless there are facts of which I'm not aware), you have made no effort whatsoever at personal service. And to be clear, Special Agent Astarita bears no responsibility for any of the delay in this case. We have never requested any delay nor have we ever stipulated to any extensions of time. To the contrary, the one time I appeared at a hearing (last fall), I made clear that we wanted the service issue to be resolved as soon as possible. It's long past time for this issue to be resolved.

Notwithstanding all of that, as I've made clear, I will not oppose a two-week extension. If that motion is granted, you will have had a full month to respond to a straightforward motion that is limited to the narrow question of whether Special Agent Astarita has been personally served. That is an Astarita-specific question that has little if anything to do with the arguments raised by the other defendants.

David Angeli | Attorney

Angeli Law Group LLC

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From: Morgan Philpot <jmorganphilpot@gmail.com>
Sent: Tuesday, September 3, 2019 10:47 AM

To: David Angeli <david@angelilaw.com>

Subject: Re: Finicum v. United States of America, Case No. 2:18-CV-00160-SU

I leave out of state this Saturday and do not return until the 23rd from a family vacation that we've been planning for a year. The 14 days is not sufficient and it's likely that given the six months that the Court gave to the Defendants in which to prepare and file their responsive motions and the number of defendants involved that we are going to get an extension of time in which to answer that will surpass 14 days. If I've got to file a motion today just for your Defendant it creates unnecessary work. I realize that you believe dismissal is appropriate for your client but we cannot yet agree. Additionally, you are acknowledging that there has been a significant passage of time but that time was largely at the request of the Defendants and the largest delay was unopposed by your client. While I appreciate the professional courtesy that you have offered, if we cannot get an agreement to extend to October 1 then we will seek to include your client in a more lengthy global request.

Morgan Philpot
Attorney at Law, Utah

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On Tue, Sep 3, 2019 at 10:27 AM David Angeli <david@angelilaw.com> wrote:

Good morning, Mr. Philpot. You can represent to the Court that we do not object to a 14-day extension, but that we oppose any further extension.

From: Morgan Philpot <jmorganphilpot@gmail.com>

Sent: Tuesday, September 03, 2019 8:35 AM

To: David Angeli <david@angelilaw.com>

Subject: Re: Finicum v. United States of America, Case No. 2:18-CV-00160-SU

David, if you can give me until October 1 to respond to Mr. Astarita's motion then I will not include him in my global request.

If you are okay with the October 1 deadline then I will simply file a notice of stipulation with the Court today.

Thank you,

Morgan Philpot
Attorney at Law, Utah

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On Mon, Sep 2, 2019 at 1:49 PM David Angeli <david@angelilaw.com> wrote:

Good afternoon, Mr. Philpot. I have no objection to a reasonable extension of time (e.g., two weeks) for you to respond to our motion. However, if you're asking that we agree to a two-week extension with the understanding that, at the end of the two weeks, you will simply be seeking an additional extension as part of a global request, we would object to that. Some of the defendants have raised legal issues that might reasonably require a longer response period, but our motion is limited to the very discrete issue of whether Special Agent Astarita was properly served. It should not require much time or effort to respond to that narrow question. Indeed, unless you have made efforts at service of which we are unaware, I'm not sure there's a good faith basis upon which to oppose the motion at all, and I would ask that you reconsider whether it is worth your time to do so. As I'm sure you know, Judge Mosman granted a similar motion by Special Agent Astarita in the *Payne* matter.

I appreciate that you are busy, but this case was filed more than a year and a half ago. Since then, our client has been living with the uncertainty of this case hanging over his head. You have had more than sufficient time in which to iron out the service issues with respect to Special Agent Astarita. While we are willing to extend you the professional courtesy of agreeing to a reasonable extension, this issue has already dragged on for far too long and it needs to be resolved sooner rather than later.

With all that in mind, we will not object to a two-week extension of time if you agree not to seek any additional extensions. And, again, we urge you to reconsider the question of whether to oppose the motion at all.

Please feel free to call me if you wish to discuss this further.

Thanks very much.

David Angeli | Attorney

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From: Morgan Philpot <jmorganphilpot@gmail.com>
Sent: Monday, September 2, 2019 11:34 AM
To: David Angeli <david@angelilaw.com>
Subject: Finicum v. United States of America, Case No. 2:18-CV-00160-SU

David,

I am planning to seek an extension of time to respond to the recent motions filed in the Finicum case although Mr. Astarita's motion was filed first and has the earliest response deadline. As a result, I'd like to ask if you would stipulate to a two week extension of time to respond, in which time I will then go to the Court for a comprehensive request to extend the time in which to respond to all of the recently filed motions. If you can agree to the initial two week continuance I will file a notice of stipulation with the Court.

I appreciate your consideration of this request, not only will we need the time to respond but I'm very busy right now with a Utah and Oregon appeal and preparing for a family vacation that will last through the latter part of September.

Thank you

Morgan Philpot
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